



MINNESOTA BOARD OF
ARCHITECTURE ■ ENGINEERING ■ LAND SURVEYING
LANDSCAPE ARCHITECTURE ■ GEOSCIENCE ■ INTERIOR DESIGN

Charles L. Marohn, Jr. PE
616 W 4th Street
Brainerd MN 56401

November 3, 2020
CONFIDENTIAL

RE: Charles L. Marohn, Professional Engineer No. 40142
File No. 2020-0043

Dear Mr. Marohn:

As you know, the Board's Complaint Committee (the "Committee") conducted an investigation of the above-referenced matter. The Committee determined that, under the facts and applicable law, this matter warrants disciplinary action by the Board.

As an alternative to contested-case proceedings, you may agree to disciplinary action by signing the enclosed proposed Stipulation and Order. Enclosed for your review, please find the Committee's proposed Stipulation and Order, which the Committee believes represents a reasonable resolution of this matter.

Please review the Stipulation and Order and this letter and contact me with your response to the proposed Stipulation and Order. If the proposed Stipulation and Order is acceptable, please return the entire original document bearing your signature, to the Board office on or before **November 18, 2020**.

The Committee will recommend that the Board accept and issue the Stipulation and Order at its first available Board meeting. When this matter comes before the Board, it does have the option of rejecting the Stipulation and Order; however, doing so would be rather unusual. If the Board accepts the Stipulation and Order, the Board Chair will sign the document and we will send you a copy of the fully executed document for your files.

Should you choose not to sign the enclosed proposed Stipulation and Order, please let me know on or before November 18, 2020.

If you wish to propose changes to the Stipulation and Order or have an alternative remedy to propose to resolve this matter, you should submit the same in writing to the Board office by the above-mentioned date.

Charles L. Marohn, Jr. PE

November 3, 2020

Page 2

If you have any questions, please contact me at (651) 757-1517.

Sincerely,



Doreen Johnson
Executive Director

Enclosures: Tennessee Warning
Proposed Stipulation and Order

**STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE ARCHITECTURE, GEOSCIENCE
AND INTERIOR DESIGN**

In the matter of
Charles L. Marohn, Jr.
Professional Engineer Number 40142

**STIPULATION AND ORDER
Board File No. 2020-0043**

TO: Charles L. Marohn, Jr.
616 W 4th Street
Brainerd MN 56401

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is authorized pursuant to Minnesota Stat. §§ 214.10 and 326.111 (2018) to review complaints against architects, professional engineers, land surveyors, landscape architects, geoscientists, and certified interior designers, and to take disciplinary action whenever appropriate.

The Board received information concerning Charles L. Marohn, Jr. ("Respondent"). The Board's Complaint Committee ("Committee") reviewed the information. The parties have agreed that these matters may now be resolved by this Stipulation and Order.

STIPULATION

It is hereby stipulated and agreed by Respondent and the Committee that without trial or adjudication of any issue of fact or law and without any evidence or admission by any party with respect to any such issue:

1. Jurisdiction. Respondent was first issued a Professional Engineer license by the Board on February 8, 2000. Respondent is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation.

2. Facts. This Stipulation is based upon the following facts:

- a. On June 30, 2018, Respondent's Minnesota Professional Engineer license in the State of Minnesota expired.
- b. On March 5, 2020, the Board received notice that the Respondent had been using the term Professional Engineer and the initials "P.E." or "PE" on his website, in publications, and in biographies for speaking engagements, during the June 30, 2018 to March 5, 2020 timeframe.
- c. On June 17, 2020, Respondent renewed his license.
- d. On his renewal forms, Respondent stated that he had not represented himself as a professional engineer without proper licensure, either verbally or on any printed matter in the State of Minnesota.

3. Violations. Respondent admits that the facts specified above constitute violations of Minnesota Statutes section 326.02, subds. 1 and 3 (2018), and Minnesota Rules 1805.0200 subps. 1(B), 2, and subp. 4(C) (2019), and are sufficient grounds for the action specified below. Specifically, it is alleged that the Respondent held himself out as a Professional Engineer in Minnesota without a license and practiced as a Professional Engineer in Minnesota without a license within the meaning of Minnesota Statutes section 326.02, subds. 1 and 3 (2018), during the lapse of his Minnesota Professional Engineer license, between July 1, 2018 to June 17, 2020, by using the title Professional Engineer on his website, in publications, and in biographies for speaking engagements. It is also alleged that the Respondent violated Minnesota Rule 1805.0200 subps. 1(B), 2, and 4(C), by making a false statement or failed to disclose a material fact on his renewal forms by answering that he had not represented himself as a professional engineer

without proper licensure, either verbally or on any printed matter in the State of Minnesota.

4. Enforcement Action. Respondent and the Committee agree that the Board should issue an Order in accordance with the following terms:

- a. Censure and Reprimand. Respondent is censure and reprimanded.
- b. Civil Penalty. Respondent shall pay to the Board a civil penalty of One Thousand Five Hundred Dollars (\$1,500). Respondent shall submit a civil penalty of \$1,500 by check to the Board within sixty (60) days of the Board's approval of this Stipulation and Order.
- c. Respondent shall complete two (2) ethics hours in addition to the regularly required ethics requirement under Minn. Stat. § 326.107 subd. 1 (c). These hours shall not count towards the hours required for Respondent's license renewal.

5. Waiver of Respondent's Rights. For the purpose of this Stipulation, Respondent waives all procedures and proceedings before the Board to which Respondent may be entitled under the Minnesota and United States constitutions, statutes, or the rules of the Board, including the right to dispute the allegations against Respondent, to dispute the appropriateness of discipline in a contested-case proceeding pursuant to Minn. Stat. ch. 14 (2018), and to dispute the civil penalty imposed by this Agreement. Respondent agrees that upon the application of the Committee without notice to or an appearance by Respondent, the Board may issue an Order containing the enforcement action specified in paragraph 4 herein. Respondent waives the right to any judicial review of the Order by appeal, writ of certiorari, or otherwise.

6. Collection. Pursuant to Minn. Stat. § 16D.17 (2016), ninety days after the Board's

approval of this Stipulation and Order, the Board may file and enforce any unpaid portion of the civil penalty imposed by this Order as a judgment against the Respondent in district court without further notice or additional proceedings. Pursuant to Minn. Stat. § 16D.13 (2018), ninety days after the Board's approval of this Stipulation and Order, interest will begin to accrue on the penalty in accordance with that section.

7. Board Rejection of Stipulation and Order. In the event the Board in its discretion does not approve this Stipulation and Order or a lesser remedy than specified herein, this Stipulation and Order shall be null and void and shall not be used for any purpose by either party hereto. If this Stipulation is not approved and a contested-case proceeding is initiated pursuant to Minn. Stat. ch. 14 (2018), Respondent agrees not to object to the Board's initiation of the proceedings and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this Stipulation and the record.

8. Unrelated Violations. This settlement shall not in any way or manner limit or affect the authority of the Board to proceed against Respondent by initiating a contested-case hearing or by other appropriate means on the basis of any act, conduct, or admission of Respondent justifying disciplinary action which occurred before or after the date of this Stipulation and Order and which is not directly related to the specific facts and circumstances set forth herein.

9. Record. The Stipulation, related investigative reports and other documents shall constitute the entire record of the proceedings herein upon which the Order is based. The investigative reports, other documents, or summaries thereof may be filed with the Board with this Stipulation.

10. Data Classification. Under the Minnesota Government Data Practices Act, this

Stipulation and Order is classified as public data upon its issuance by the Board, Minn. Stat. §13.41, subd. 5 (2016). All documents in the record shall maintain the data classification to which they are entitled under the Minnesota Government Data Practices Act, Minn. Stat. ch. 13 (2018). They shall not, to the extent they are not already public documents, become public merely because they are referenced herein. A summary of this Order will appear in the Board's newsletter. A summary will also be sent to the national discipline data bank pertaining to the practice of professional engineering.

11. Entire Agreement. Respondent has read, understood, and agreed to this Stipulation and is freely and voluntarily signing it. The Stipulation contains the entire agreement between the parties hereto relating to the allegations referenced herein. Respondent is not relying on any other agreement or representations of any kind, verbal or otherwise.

12. Counsel. Respondent is aware that Respondent may choose to be represented by legal counsel in this matter. Respondent has either had the opportunity to consult with counsel or hereby knowingly waives legal representation.

13. Service. If approved by the Board, a copy of this Stipulation and Order shall be served personally or by first class mail on Respondent. The Order shall be effective and deemed issued when it is signed by the Chair of the Board.

RESPONDENT

Charles L. Marohn, Jr. PE

Dated: _____, 20____

SUBSCRIBED and sworn to before me on
this the ____ day of _____, 20_____.

(Notary Public)

My Commission Expires:

COMPLAINT COMMITTEE

Wayne Hilbert, AIA
Committee Chair

Dated: _____, 20_____

ORDER

Upon consideration of the foregoing Stipulation and Order and based upon all the files, records, and proceedings herein, all terms of the Stipulation and Order are approved and adopted and the enforcement action therein is issued as an Order of this Board this the _____ day of _____, 20____.

MINNESOTA BOARD OF
ARCHITECTURE, ENGINEERING,
LAND SURVEYING, LANDSCAPE ARCHITECTURE,
GEOSCIENCE AND INTERIOR DESIGN

By: _____
Margaret S. Parsons, FAIA
Board Chair